IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

WP(C).No. 20048 of 2007(J)

PETITIONER:

VINU K.Z., W/O. GILBERT ROBERT ANTONY,
AGED 30 YEARS, U.D.TYPIST, CO-OPERATIVE JOINT
REGISTRAR (AUDIT), KOZHIKODE.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:

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1. THE REGISTRAR,
CO-OPERATIVE SOCIETIES, OFFICE OF THE
CO-OPERATIVE REGISTRAR, THIRUVANANTHAPURAM.

2. THE DEPUTY REGISTRAR, (ADMINISTRATION),
CO-OPERATIVE SOCIETIES, OFFICE OF THE CO-OPERATIVE
REGISTRAR, THIRUVANANTHAPURAM.

ADDL. R3 IMPLEADED.

3. STATE CO-OPERATIVE UNION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM.

ADDL. R3 IMPLEADED AS PER ORDER IN I.A. 11219/07 DATED 16.8.2007.

R1 & R2 BY BY GOVT. PLEADER SMT. ANU SIVARAMAN.
R3 BY ADV. SRI.V.G.ARUN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.20048 of 2007

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Dated this the 18th day of August, 2007

JUDGMENT

Petitioner has approached this court seeking a direction to include the name of the petitioner in Ext.P1 list for doing JDC. Later on petitioner amended the writ petition challenging Ext.P3. The short case of the petitioner is as follows:

The petitioner is working as U.D. Typist and as per the Rules she is entitled to promotion provided she has Account Test (Lower) and Manual of Office Procedure. Petitioner has passed Account Test (Lower). Ext.P1 is the selection list for JDC Course issued by the first respondent. Petitioner's name was not included in the list. Petitioner filed Ext.P2 representation. In Ext.P3 order passed it is stated that petitioner has not passed MOP and therefore she was not selected.

2. Counter affidavit is filed. It is stated that the petitioner did not have MOP qualification. Ext.R1(a) provides for qualification. Ext.R1 (b) is the order dated 28.9.1964. In the same, it is inter alia stated that possession of MOP will be insisted upon along with seniority wherever

possible. It is further stated that if there are not sufficient number of persons qualified in tests, the available number will be selected for the training that the shortage made good by selecting the senior-most persons without test qualifications. Petitioner points out that in fact her junior was selected even though the junior did not possess MOP. The fact that the junior of the petitioner came to be selected is sought to be justified as a mistake. Learned Government Pleader on instructions submits that there is a vacancy in Wayanad.

3. I heard learned counsel for the Co-operative Union, the additional respondent, also. In so far as it is found that a junior of the petitioner came to be selected for JDC Course and it is sought to be justified only on the ground that it is a mistake, I would think that the petitioner is justified in asking for sending the petitioner also for JDC Course. Admittedly there is a vacancy. But there is time lag. However it is pointed out by Sri. V.G.Arun appearing for the third respondent that attendance can be condoned in appropriate cases upto 25% by the Chairman of the Examination Board, who is the first respondent.

Having regard to all facts, the writ petition is disposed of

directing the first respondent to include the petitioner in Ext.P1 list for doing JDC Course for the year 2007-2008 and there will be a further direction to the third respondent to admit the petitioner against the vacancy available at Wayanad. It is declared that the petitioner is entitled to be included in the list.

(K.M.JOSEPH, JUDGE)

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